

## CLAIMS

1. An encoding apparatus for encoding picture data, comprising:  
an encoder for encoding said picture data at a variable rate; and  
a controller for managing control so that the amount of picture coding data will be substantially proportionate to the time lapse.
2. The encoding apparatus according to claim 1 wherein said controller manages control so that stuffing bytes will be encoded if the amount of said picture coding data generated per unit time is less than a preset value.
3. The encoding apparatus according to claim 2 wherein said controller verifies whether or not the stuffing bytes will be encoded depending on the amount of data generated in encoding respective pictures.
4. The encoding apparatus according to claim 2 wherein said controller manages control of encoding the stuffing bytes so that no overflow will be produced in the VBV buffer.
5. The encoding apparatus according to claim 1 wherein said controller manages control to perform encoding in an encoding mode in which the amount of said picture coding data is substantially proportionate to the lapse of time or in a routine encoding mode.
6. The encoding apparatus according to claim 5 wherein said controller generates additional information indicating whether or not the encoding mode is such encoding mode in which the amount of said picture coding data is substantially proportionate to

the lapse of time .

7. An encoding method for encoding picture data, comprising:

an encoding step of encoding said picture data at a variable rate; and

a controlling step of managing control so that the amount of picture coding data will be substantially proportionate to the time lapse.

8. A recording medium having recorded thereon a computer-readable program used for controlling an encoding apparatus encoding picture data; said program comprising:

an encoding step of encoding said picture data at a variable rate; and

a controlling step of managing control so that the amount of picture coding data will be substantially proportionate to the time lapse.

9. A program for causing a computer controlling an encoding apparatus encoding picture data to execute

an encoding step of encoding said picture data at a variable rate; and

a controlling step of managing control so that the amount of picture coding data will be substantially proportionate to the time elapsed.

10. A recording medium having picture data recorded thereon, said recording medium having recorded thereon an AV stream file including said picture data and audio data associated with said picture data; and

a flag indicating the recording mode of said AV stream file.

11. The recording medium according to claim 10 wherein said flag is time\_controlled\_flag.

